

### EXAMINER'S AMENDMENT

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on September 8, 2008, the Attorney of Record, authorized an extension of time for 2 MONTH(S) and authorized the Director to charge Deposit Account No. 08-1394 the required fee of \$230.00 for this extension and authorized the following examiner's amendment. See attached Interview Summary.

Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows (see Amendment dated July 16, 2008):

In the claims:

In claim 17, line 1: replaced "tibia" with -- tibial -- to correct a minor typographical error.

In claim 17, line 3: replaced "patella" with -- patellar -- to correct a minor typographical error.

In claim 17, line 4: after "tibia" and before ";" inserted -- by creating a surgical access site above the patella -- to further clarify Applicant's invention.

In claim 17, line 5: replaced "a" with -- the -- to correct a minor typographical error.

In claim 17, line 6: after "canal" inserted -- ; -- to correct a minor typographical error.

In claim 17, line 8: replaced "a supra patella surgical site" with -- the surgical access site -- to correct a minor typographical error.

In claim 17, line 12: replaced "intermedullary" with -- intramedullary -- to correct a minor typographical error.

In claim 23, line 1: replaced "tibia" with - - tibial - - to correct a minor typographical error.

In claim 23, line 3: deleted "supra patella" and in the same line after "site" and before "," inserted - - above a patella - - to further clarify Applicant's invention.

In claim 23, line 4: replaced "a (second occurrence)" with - - the - - to correct a minor typographical error.

In claim 23, line 11: deleted "and for engaging an insertion tool" for clarity.

In claim 41, line 1: replaced "tibia" with - - tibial - - to correct a minor typographical error.

In claim 41, line 5: replaced "percutaneous incision" with - - surgical access site - - for consistency with Applicant's disclosure.

In claim 41, line 6: replaced "incision" with - - surgical access site - - for consistency with Applicant's disclosure.

In claim 47, line 3: replaced "a suprapatellar percutaneous incision" with - - surgical access site above a patella - - for consistency with Applicant's disclosure.

In claim 47, line 4: replaced "incision posterior to the patella" with - - surgical access site - - for consistency with Applicant's disclosure.

Canceled claim 51.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anu Ramana whose telephone number is (571) 272-4718. The examiner can normally be reached on Monday through Friday between 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on (571) 272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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September 9, 2008

/Anu Ramana/  
Primary Examiner, Art Unit 3733